

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DAMON STEWART,

Petitioner,

Case Number: 2:10-CV-12485

v.

HON. GEORGE CARAM STEEH

CAROL HOWES,

Respondent.

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**ORDER GRANTING PETITIONER'S MOTION TO PROCEED  
IN FORMA PAUPERIS ON APPEAL**

The Court denied Petitioner Damon Stewart's petition for a writ of habeas corpus and declined to issue a certificate of appealability. Now before the Court is Petitioner's Motion to Proceed In Forma Pauperis on Appeal.

Federal Rule of Appellate Procedure 24(a)(1) provides that a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. An appeal may not be taken in forma pauperis if the court determines that it is not taken in good faith. 28 U.S.C. § 1915(a)(3). “‘Good faith’ merely requires that the issues are arguable on the merits; it does not require a showing of probable success.” *Foster v. Ludwick*, 208 F. Supp. 2d 750, 765 (E.D. Mich. 2002). “[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit.” *Walker v. O’Brien*, 216 F.3d 626, 631 (7th Cir. 2000). An appeal in this case may be taken in good faith. The Court **GRANTS** Petitioner's “Motion to Proceed In Forma Pauperis on Appeal.”

**ORDERED.**

Dated: November 3, 2011

S/George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon Damon Stewart 208197, 141 First Street, Coldwater, MI 49036 and attorneys of record on November 3, 2011, by electronic and/or ordinary mail.

s/Marcia Beauchemin

Deputy Clerk